

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAY QUIROZ,

Plaintiff,

v.

No. CV 09-311 MCA/CEG

COUNTY OF EDDY AND ITS BOARD
OF COUNTY COMMISSIONERS;
EDDY COUNTY JAIL AND ITS MEDICAL
SERVICES PROVIDER; MEDICAL NURSE
TODD; THE MUNICIPALITY OF CARLSBAD;
THE MAYOR OF CARLSBAD; and CARLSBAD
CITY MANAGER,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on June 10, 2009. See docket no. 15. The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. See id. at 11. To date, neither party has filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

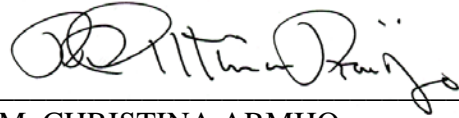
Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (docket no. 15) are adopted;
- 2) Defendants' Motion to Dismiss (docket no. 6) is GRANTED in part and DENIED in part;
- 3) Defendants' Motion to Dismiss is GRANTED with respect to the claims in Ray Quiroz's original complaint brought pursuant to the New Mexico Tort Claims Act and those claims are hereby DISMISSED WITH PREJUDICE;

- 4) Defendants' Motion to Dismiss is DENIED with respect to the claims in Plaintiff's original complaint brought pursuant to 42 U.S.C. § 1983; and
- 5) this matter is referred to the Magistrate Judge for further findings.

SO ORDERED this 30th day of June, 2009.

A handwritten signature in black ink, appearing to read "M. Christina Armiño", is written over a horizontal line.

M. CHRISTINA ARMIJO
United States District Judge